Single Bench (A) (B)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4733 /2004

PETITIONER

P.R. No. 4783/04
Presented by Shri S.B. Sah
dated 8-12-04

Ramadhar Dewangan S/o Late Shri Dallu Ram Dewangan, aged about 56 years, Assistant Grade-III, Jal Sansadhan Bibhag [Water Resourcement Department] Pantora, Distt. Janjgir-champa [C.G.]

VERSUS

RESPONDENTS

1. The State of Chhattisgarh through Secretary, Water Resourcement Department, D.K.S. Bhawan, Raipur [C.G.]

2. Sub Divisional Officer, Hasdeo R.B.C. Sub Division No.1, Pantora, Distt. Janjgir-Champa. [C.G.].

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC. FOR OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER.

(23)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 4733/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

14/01/2005

Shri S.B.Singh Patel, counsel for the petitioner.

Shri Vinod Shrivastava, G.A. for the State.

Heard.

This instant petition has been filed by the petitioner challenging the transfer order of Annexure P-1 dated 18/10/2004 by which the petitioner has been transferred from Water Resources Division, Pantora to Water Resources Division, Dantewara in violation of transfer order vide Annexure P-2.

Learned counsel for the petitioner submits that as per the transfer order of Annexure P-2, no transfer is to be made ~~prior~~ after 18/10/2004. However, the impugned order was passed on 18/10/2004 itself and by this order he was transferred to a distance of 800 kms. as the petitioner is a low paid Class III employee who has responsibility of his widow mother. The order of transfer is erroneous and therefore he prays that the same is to be quashed.

Learned counsel for the State/respondent submits that transfer has been made on the administrative ground and the same cannot be questioned by the employee and no ground is made out which warrants an interference in the exercise under Article 226/227 of Constitution of India and it is upon the State to exercise the same unless it is shown that it has been done malafidely or against the prohibition of law.

Learned counsel for the State relies on ***2003 Volume 7 SCC Page 403, State of Rajasthan Vs. Anand Prakash Sisodiya and also relied 2003 Volume 4 SCC 104 Public Service Tribunal Bar Association Vs. State of U.P.*** in this regard and states that the petition deserves to be dismissed.

I have heard learned counsel for the parties and I have gone through the transfer order of the petitioner who was posted in the present place of posting for the last several years which is not disputed by the petitioner and after going

Gr. PRJ—FS/350—12/2000—50,000.

(26)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 4733/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

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through the above case laws cited by the counsel for the State, I am of the opinion that there is no merit in the petition and the same deserves to be dismissed and accordingly, it is dismissed.

Consequently, M.C.P. No. 5017/2004 and I.A. No. 9416/2004 stands disposed of.

Sd/-
Dhirendra Mishra
Judge

Gl. PRJ—FS/350—12/2000—50,000.